

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The Examiner's checkmark in box 12(b) is not understood. There is no checkmark in other related boxes and, contrary to the asterick notation included on the form, there is also no explanation in the more detailed text of the Office Action explaining which, if any, of applicant's priority documents have not yet been received.

This is the US national phase of an International PCT application and it is believed that the applicant's certified priority document was duly filed in the international phase. The Examiner is respectfully requested to investigate this matter and to clarify the status of applicant's priority claim and acknowledge receipt of the applicant's certified priority document in the next written communication.

The rejection of claims 1, 5, 9, 10, 14, 16-19, 23, 27, 31 and 33-36 under 35 U.S.C. §102 as allegedly anticipated by Carroll '630 is respectfully traversed.

The claims have been amended to clarify that the action or process to be performed comprises "transmitting data onto one or more other channels", in order to distinguish from situations where the action or process may involve "stopping the transmission of data" or other such negative actions.

With reference to applicant's preferred embodiments which make use of MSNIP messages, it will be understood that the claimed invention distinguishes such embodiments from traditional operation of the MSNIP because the action or process is commenced/performed only after a "hold" message is received, whereas in the traditional

operation of MSNIP, the receipt of such a "hold" message would be taken as an indication that an action or process (such as "transmitting data") should be stopped. With reference to such embodiments, it will be understood that the type of reaction to receipt of such messages is therefore the opposite of what happens in the prior art.

In order to better distinguish the independent claims from such a traditional MSNIP situation, the relevant recitations have therefore been amended such that they specify "...commencing an action or process", this action or process comprising "transmitting data onto one or more other channels". As a result of this wording, it is clarified that with methods and devices according to the invention, the action or process is positively performed. This clarifies that the action or process is commenced at that point, rather than being stopped (as would be the case with normal uses of MSNIP).

With reference to the specification from page 14, line 30 to page 15, line 4, it is now explained in the independent claims that a waiting channel (in the context of claim 1, for example) is simply a channel that a receiver joins while waiting for an action to start on an action channel, and that an action channel, once "triggered", may itself then serve as a waiting channel for another action channel. It will be understood from this that a waiting channel itself does not necessarily comprise features that differentiate it from a normal (multicast) channel. Instead, it is (according to the method of claim 1) the manner in which the waiting channel is monitored (in the "monitoring" step), and the action taken in the light of this monitoring, help better distinguish this method from the prior art. In the definition of the waiting channel, the clarifying wording "*said waiting channel*

relating to an action or process to be commenced/performed" has therefore been included in claim 1 and in the other independent claims where applicable. This wording corresponds to that used in original claims 10 and 27.

With reference to page 7, lines 22-24 of the specification, it is explained that messages are used to signal either whether there are one or more receivers joined to the channel or whether there are no receivers joined to the channel. An intermediate step of *"determining from said monitoring if all of the other members have left the waiting channel"* has therefore been included in the claim, this step itself being generic to the invention and to prior art uses of MSNIP messages. The subsequent step of *"commencing said action or process in the event that it is determined as a result of said monitoring that all of the other members have left the waiting channel"* is a step that differentiates the present invention from this prior art.

Carroll does not use a channel for co-ordination as set out in the applicant's amended independent claims. There is no suggestion of a channel or even a 'service' for the delivery of time information. It is merely stated that messages delivered over the various channels will be time-stamped by each node they traverse, for calculating the ordering of messages by the recipient. Further, there is nothing in Carroll suggesting that an action or process comprising "transmitting data onto one or more other channels" is commenced in the event that it is determined - as a result of monitoring a waiting channel - that all of the other members have left the waiting channel.

Distinguishing amendments as noted above have now been made to all of applicant's independent claims. It is therefore not believed necessary to discuss further deficiencies of Carroll with respect to other features of the independent claims or of the rejected dependent claims. Suffice it to note, as a matter of law, that it is impossible for any reference to anticipate any claim unless that reference teaches each and every feature of that claim.

The rejection of claims 2-4, 6-8, 11-13, 15, 20-22, 24-26, 28-30 and 32 under 35 U.S.C. §103 as allegedly being made "obvious" based on Carroll in view of Briscoe '995 is also respectfully traversed.

Fundamental deficiencies of Carroll have already been noted above with respect to parent claims.

Similarly Briscoe relates to dissemination of tariffs to users, along with some checking of network behavior against a customer contract. There is no suggestion of using presence and subsequent absence of members on a communication channel to coordinate activity.

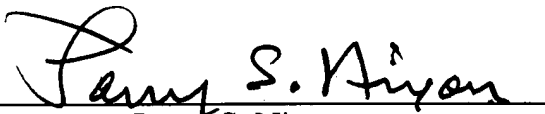
Accordingly, it is not believed necessary at this time to discuss further deficiencies of this allegedly "obvious" combination of references.

BURBRIDGE et al
Appl. No. 10/538,122
December 21, 2007

There being no other outstanding issues, it is believed that this entire application is now in condition for allowance and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Larry S. Nixon
Reg. No. 25,640

LSN:vc
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100